

FAMILY LAW SECTION

Respectfully submits the following position on:

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HB 4118

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does have a position on this matter.

The total membership of the Family Law Section is 2,540.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 14. The number who voted opposed to this position was 1.

Report on Public Policy Position

Name of section:

Family Law Section

Contact person:

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Bill Number:

HB 4118 (Polidori) Human services; children's services; procedure for placement of children in a foster home; expand to give special consideration to relatives. Amends sec. 4a of 1994 PA 203 (MCL 722.954a).

Date position was adopted:

March 7, 2009

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

14 Voted for position

1 Voted against position

0 Abstained from vote

6 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

HB 4118 requires the child placement agency to give preference to the child's relative, if it finds that the relative is willing to care for the child, is fit to do so, and would meet the child's developmental, emotional, and physical needs. If so, the agency must place the child with that relative unless it finds that the placement is not in the child's best interests. There is a sense that child placement agencies often have a bias in favor of their regular foster placements as opposed to relatives. The bill seems to have sufficient protections to ensure that children are not placed in unsuitable situations, while giving some deference to relatives. The Family Law Section supports this bill.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2009-HB-4118>